

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 7705-AG09-0415-074

IN THE MATTER OF:

Monument Agency, Inc.  
Marlene Kernan  
Respondents,

1310 Utica St.  
Oriskany, NY 13424

Type of Action: Enforcement

License Number: 36012  
461508

FILED

MAY 14 2009

STATE OF INDIANA  
DEPT. OF INSURANCE

#### FINAL ORDER AND APPROVAL

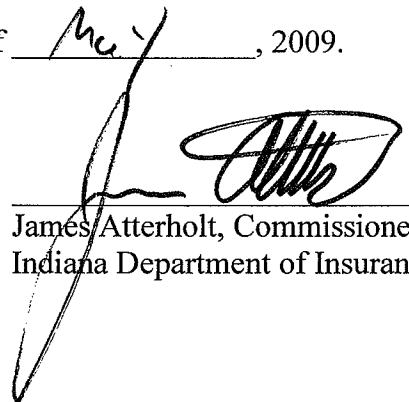
The Indiana Department of Insurance ("Department") and Marlene Kernan, individually and as Qualifying Active Officer for Monument Agency, Inc. (collectively, "Respondents") signed an Agreed Entry which purports to resolve all issues involved in the above cause number. The Agreed Entry has been submitted to the Commissioner of Insurance (the "Commissioner") for approval.

The Commissioner, after reviewing the Agreed Entry, finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Commissioner hereby incorporates the Agreed Entry as if fully set forth herein, and approves and adopts in full the Agreed Entry as a resolution of this matter.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Commissioner of Insurance:

1. Respondent Marlene Kernan's non resident producer license 461508 is hereby permanently revoked.
2. Respondent Monument Agency, Inc.'s non resident producer license 36012 is hereby permanently revoked.

ALL OF WHICH IS ORDERED this 14 day of May, 2009.



James Atterholt, Commissioner  
Indiana Department of Insurance

Distribution:

Marlene Kernan  
Monument Agency, Inc.  
1310 Utica St.  
Oriskany, NY 13424

Nikolas P. Mann  
**INDIANA DEPARTMENT OF INSURANCE**  
311 West Washington Street, Suite 300  
Indianapolis, Indiana 46204-2787

STATE OF INDIANA )  
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COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 7705-AG09-0415-074

IN THE MATTER OF:

Monument Agency, Inc.  
Marlene Kernan  
Respondents,

1310 Utica St.  
Oriskany, NY 13424

Type of Agency Action: Enforcement

License Numbers: 36012  
461508

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STATE OF INDIANA  
DEPT. OF INSURANCE

**AGREED ENTRY**

This Agreed Entry is executed by Nikolas P. Mann, Attorney for and on behalf of the State of Indiana, Indiana Department of Insurance ("Department"), and Monument Agency, Inc., a licensed non-resident insurance agency, and its Qualifying Active Officer, Marlene Kernan, a licensed non-resident insurance agent in the state of Indiana, (collectively, "Respondents") to resolve all issues in the above cause number. This Agreed Entry is subject to the review and approval of James Atterholt, Commissioner, Indiana Department of Insurance.

WHEREAS, Respondent Monument Agency, Inc. is a non-resident licensed insurance agency in the state of Indiana, holding license number 36012; and

WHEREAS, Respondent Marlene Kernan is a non-resident licensed insurance agent in the state of Indiana, holding license number 461508; and,

WHEREAS, Respondent Marlene Kernan is the Qualifying Active Officer of Respondent Monument Agency, Inc.; and,

WHEREAS, Respondents did not notify the Department of pending criminal charge in United States District Court for the Northern District of New York under Criminal Action No. 08-CR-61 within thirty (30) days as required by Indiana Code 27-1-15.6-17(b); and,

WHEREAS, as a result of not reporting the then pending criminal charges within thirty (30) days, Respondents were collectively fined in the amount of five hundred dollars (\$500.00), which was paid to the Department by February 9, 2009; and,

WHEREAS, Respondent Marlene Kernan signed a plea agreement on March 20, 2009 with the United States Attorney, wherein Respondent Marlene Kernan pled guilty to the charge of knowingly and willfully permitting a convicted felon to be engaged in the business of insurance, in violation of 18 U.S.C. 1033 (e) (1) (B), a felony; and,

WHEREAS, said plea agreement was filed in the United States District Court for the Northern District of New York on March 26, 2009; and,


WHEREAS, the Department and Respondent desire to resolve their differences and settle the issues without the necessity of a hearing;

IT IS THEREFORE NOW AGREED by and between the parties as follows:

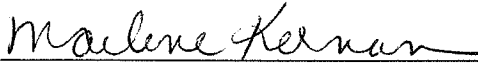
1. The Commissioner has jurisdiction over the subject matter and the Respondents in this administrative action.
2. This Agreed Entry is executed voluntarily by the parties.
3. Respondents voluntarily and freely waive the right to a public hearing.
4. Respondents voluntarily and freely waive the right to judicial review of this matter.
5. Respondent Monument Agency, Inc.'s non-resident producer license 36012 is hereby permanently revoked.

6. Respondent Marlene Kernan's non-resident producer license 461508 is hereby permanently revoked.
7. Respondents have carefully read this agreement and fully understand and accept its terms.

5/11/09  
Date Signed

  
Nikolas P. Mann, Attorney  
Indiana Department of Insurance

5/15/09  
Date Signed

  
Marlene Kernan, Individually and as Qualifying Active  
Officer for Monument Agency, Inc.  
Respondents

STATE OF New York )  
COUNTY OF Oneida ) SS:

Before me a Notary Public for Oneida County, State of New York, personally appeared Marlene Kernan, and being first duly sworn by me upon her oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 5<sup>TH</sup> day of MAY, 2009.

Sharon Z Martin  
Signature  
SHARON Z MARTIN  
Printed

My Commissioner expires: 8-31-2009

County of Residence: ONEIDA

SHARON Z. MARTIN  
Notary Public in the State of New York  
Appointed in Oneida County  
My Commission Expires August 31, 2009